

ATTACHMENT 20

Affidavit of Barry L. March

AFFIDAVIT OF BARRY L. MARCH

I, Barry L. March, hereby declare as follows:

1. Since June 3, 1985, I have been employed as General Manager of the Quality Inn Hotel, 625 Quentin Road, Lebanon, Pennsylvania (hereinafter the "Hotel"). Since 1988, I also have been a member of the Board of Directors of Greater Lebanon Hotel Enterprises, Inc., which is the corporate franchisee of the Hotel. As reflected in the documents attached to this Affidavit as Appendix A, I am the person identified in the Federal Communications Commission ("FCC") applications of the Raystay Company ("Raystay") for authority to construct low power television stations on Channels 38 and 55 in Lebanon, Pennsylvania.

2. To the best of my recollection, sometime in early 1989 I was contacted either by telephone or in person, I cannot recall which, by an individual who expressed an interest in placing a small broadcast antenna on the roof of the Hotel. The caller (or visitor), whose name I cannot recall, explained that a survey had been conducted of the Lebanon Valley area and that the roof of the Hotel appeared to be one of the highest points in the area. He noted that a small antenna was already located on the roof and he asked whether the Hotel might be interested in renting out space for a second antenna. The caller led me to believe that he was talking about a thin, whip-like antenna or

some sort of small dish that would not be readily noticeable to our patrons.

3. Based on this impression, I told the caller that the Hotel might be interested in negotiating a lease, but that he should contact me again when he was ready to discuss terms. To the best of my knowledge, we did not discuss the prospective terms under which such a lease might be negotiated, nor did we discuss the specifics of his proposal for the antenna. I recall that, toward the end of the conversation, I gave him permission to inspect the roof to determine whether it would suit his needs. To the best of my recollection, the entire conversation lasted no more than a few minutes. During that time, I expressed nothing more than general interest in his vague

like the one depicted in the sketch. As stated above, the caller led me to believe that he had in mind a modest, physically unobtrusive antenna, not an 86-foot structure sufficient to support two broadcast antennas. If the caller had told me of his true plans, I would have had immediate concerns about the obvious aesthetic problems that such a structure would cause, as well as concerns about the Hotel's capacity to support such a structure, potential hazards to our guests, the cost of liability insurance, and the Hotel's ability to obtain the necessary zoning permits. In light of those concerns, I would have told the caller that the proposal would have to be considered by the Hotel's legal counsel and its Board of Directors. I was certainly not aware that the caller was planning to ask the FCC for permission to construct the 86-foot tower depicted in Appendix B on the roof of our Hotel. Had I known that fact, I would have declined his proposal without consideration.

6. I also have reviewed the statement attached hereto as Appendix C, which I understand was submitted to the FCC by Raystay in December 1991 and again in July 1992 to report the status of Raystay's construction efforts. To the best of my knowledge and belief, two assertions made in that statement are untrue. The first such assertion is that Raystay "has entered into lease negotiations with representatives of the owners of the antenna site specified in the applications..." As General

Manager of the Hotel, I have principal supervisory responsibility over all aspects of the Hotel's operations, including the negotiation and approval of all lease agreements involving the Hotel's facilities. Also, as a member of the Hotel owner's Board of Directors, I am aware of all contract obligations, including all lease negotiations and agreements, that may require board approval. To the best of my knowledge, the Hotel has never had any lease negotiations with Raystay or any representatives of that company. Indeed, to the best of my knowledge, apart from the single telephone call (or visit) in early 1989 described in paragraphs 2 and 3 above, no representative of Raystay has contacted the Hotel at any time about the matter.

7. Likewise, I am aware of no visit to the Hotel by any representative of Raystay other than the single visit described in paragraph 4 above. To the best of my recollection, that visit occurred sometime in early 1989, shortly after I received the telephone call (or visit) described above. The Hotel's current maintenance chief, who has been employed in the Hotel's maintenance department since 1984, has told me that he too does not recall any visit by a representative Raystay other than the possible visit in 1989. Thus, if the statement contained in Appendix C is meant to suggest that representatives of Raystay have inspected the Hotel roof at any time since their initial visit in early 1989, that claim is not true.

8. I understand that this Affidavit may be submitted to the FCC, and I have provided it freely and without the payment or offer of any consideration.

I hereby certify that the statements made herein are true and correct to the best of my knowledge and belief, and are submitted in good faith.

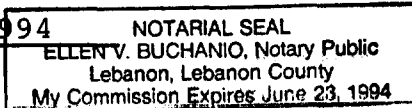
Barry L. March
Barry L. March

COMMONWEALTH OF PENNSYLVANIA)
COUNTY OF LEBANON) ss:

Sworn to and subscribed before me this 7th day of May, 1993.

Ellen V. Buchanio
Notary Public

My commission expires June 23, 1994



APPENDIX A

APPLICATION FOR AUTHORITY TO CONSTRUCT OR
MAKE CHANGES IN A LOW POWER TV, TV TRANSLATOR OR TV BOOSTER STATION
(Carefully read instructions before filling out form - RETURN ONLY FORM TO FCC)

COPY
3060-0016
Expires 12/31/89

For Commission Fee Use Only

RECEIVED

MAR 9 1989

FCC

FEE 9705172

FEE TYPE:

FEE AMT:

ID SEQ:

For Applicant Fee Use Only

Is a fee submitted with this application?

☒ Yes ☐ No

If No, indicate reason therefor (check one box):

☐ Nonfeeable application

Fee Exempt (See 47 C.F.R. Section 1.1112)

☐ Noncommercial educational licensee

☐ Governmental entity

DUPLICATE

For Commission Use Only

File No. **BP T T L 890309 TD**

1. Name of Applicant

Raystay Company

Address

P. O. Box 38

City

Carlisle

State

PA

Zip Code

17013

Telephone No. (include area code)
(717) 245-0040

2. This application is for: (check one box)

☒ Low Power Television

☐ TV Translator

☐ TV Booster

(a) Proposed Channel No.

38

(b) Community to be served:

City

Lebanon

State

PA

(c) Check one of the following boxes:

☒ Application for NEW station

☐ MAJOR change in licensed facilities; call sign: _____

☐ MINOR change in licensed facilities; call sign: _____

☐ MAJOR modification of construction permit; call sign: _____

File No. of Construction Permit: _____

☐ MINOR modification of construction permit; call sign: _____

File No. of Construction Permit: _____

☐ AMENDMENT to pending application; Application file number: _____

NOTE: It is not necessary to use this form to amend a previously filed application. Should you do so, however, please submit only Sections I and VII and those other portions of the form that contain the amended information.

SECTION VI - EQUAL EMPLOYMENT OPPORTUNITY PROGRAM

1. For Low Power TV applicants, will this station employ on a full-time basis five or more persons?

☐ Yes ☒ No

If Yes, the applicant must include an EEO program called for in the separate Broadcast Equal Employment Opportunity Report (FCC Form 396-A).

SECTION VII - CERTIFICATIONS

1. For new station and major change applicants only, the applicant certifies that it has or will comply with the public notice requirement of 47 C.F.R. Section 73.3580(g).

☒ Yes ☐ No

2. For applicants proposing translator rebroadcasts who are not the licensee of the primary station, the applicant certifies that written authority has been obtained from the licensee of the station whose programs are to be retransmitted.

☐ Yes ☐ No

Primary station proposed to be rebroadcast:

N.A.

Call Sign	City	State	Channel No.

3. The applicant certifies that it has contacted an authorized spokesperson for the owner of the rights to the proposed transmitter site and has obtained reasonable assurance that the site will be available for its use if this application is granted.

☒ Yes ☐ No

That person can be contacted at the following address and telephone number:

Name Barry L. March		Mailing Address or Identification General Manager, Quality Inn	
City Lebanon	State PA	ZIP Code 17042	Telephone No. (include area code) (717) 273-6771

The APPLICANT hereby waives any claim to the use of any particular frequency as against the regulatory power of the United States Federal Communications Commission.

APPLICATION FOR AUTHORITY TO CONSTRUCT OR
MAKE CHANGES IN A LOW POWER TV, TV TRANSLATOR OR TV BOOSTER STATION
(Carefully read instructions before filling out form - RETURN ONLY FORM TO FCC)

COPY
Expires 1/1/89

For Commission Fee Use Only

RECEIVED

MAR 8 1989

FCC

FEE NO: 705264

FEE TYPE:

FEE AMT:

ID SEQ:

or Applicant Fee Use Only

Is a fee submitted with this application? ☒ Yes ☐ No

If No, indicate reason therefor (check one box):

☐ Nonfeeable application

Fee Exempt (See 47 C.F.R. Section 1.1112)

☐ Noncommercial educational licensee

☐ Governmental entity

DUPLICATE

For Commission Use Only

File No. BFTTL 890309NZ

SECTION I - GENERAL INFORMATION

1. Name of Applicant Raystay Company	Address P. O. Box 38		
	City Carlisle	State PA	Zip Code 17013
	Telephone No. (include area code) (717) 245-0040		

2. This application is for: (check one box)

☒ Low Power Television

☐ TV Translator

☐ TV Booster

(a) Proposed Channel No. 55	(b) Community to be served: City Lebanon		State PA
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(c) Check one of the following boxes:

☐ Application for NEW station

☐ MAJOR change in licensed facilities; call sign: _____

☐ MINOR change in licensed facilities; call sign: _____

☐ MAJOR modification of construction permit; call sign: _____

File No. of Construction Permit: _____

☐ MINOR modification of construction permit; call sign: _____

File No. of Construction Permit: _____

☐ AMENDMENT to pending application; Application file number: _____

NOTE: It is not necessary to use this form to amend a previously filed application. Should you do so, however, please submit only Sections I and VII and those other portions of the form that contain the amended information.

SECTION VI - EQUAL EMPLOYMENT OPPORTUNITY PROGRAM

1. For Low Power TV applicants, will this station employ on a full-time basis five or more persons?

☐ Yes ☒ No

If Yes, the applicant must include an EEO program called for in the separate Broadcast Equal Employment Opportunity Report (FCC Form 396-A).

SECTION VII - CERTIFICATIONS

1. For new station and major change applicants only, the applicant certifies that it has or will comply with the public notice requirement of 47 C.F.R. Section 73.3580(g).

☒ Yes ☐ No

2. For applicants proposing translator, rebroadcasts who are not the licensee of the primary station, the applicant certifies that written authority has been obtained from the licensee of the station whose programs are to be retransmitted.

☐ Yes ☐ No

N.A.

Primary station proposed to be rebroadcast:

Call Sign	City	State	Channel No.
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3. The applicant certifies that it has contacted an authorized spokesperson for the owner of the rights to the proposed transmitter site and has obtained reasonable assurance that the site will be available for its use if this application is granted.

☒ Yes ☐ No

That person can be contacted at the following address and telephone number:

Name Barry L. March		Mailing Address or Identification General Manager, Quality Inn	
City Lebanon	State PA	ZIP Code 17042	Telephone No. (include area code) (717) 273-6771

The APPLICANT hereby waives any claim to the use of any particular frequency as against the regulatory power of the United States because of the previous use of the same, whether by license or otherwise, and requests an authorization in accordance with this application. (See Section 304 of the Communications Act of 1934, as amended.)

The APPLICANT acknowledges that all the statements made in this application and attached exhibits are considered material representations, and that all exhibits are a material part hereof and incorporated herein.

The APPLICANT represents that this application is not filed for the purpose of impeding, obstructing, or delaying determination on any other application with which it may be in conflict.

In accordance with 47 C.F.R. Section 1.85, the APPLICANT has a continuing obligation to advise the Commission, through amendments, or any substantial and significant changes in information furnished.

**WILLFUL FALSE STATEMENTS MADE ON THIS FORM ARE PUNISHABLE BY FINE AND IMPRISONMENT.
U.S. CODE, TITLE 18, SECTION 1001.**

I certify that the statements in this application are true, complete and correct to the best of my knowledge and belief, and are made in good faith.

Name of Applicant Ravstay Company	Signature <i>David A. Gardner</i>
Title	David A. Gardner

APPENDIX B

ENGINEERING STATEMENT IN SUPPORT OF AN
APPLICATION FOR A
CONSTRUCTION PERMIT FOR A
NEW LOW POWER TELEVISION STATION
ON CHANNEL 38 IN LEBANON, PENNSYLVANIA

On Behalf of
RAYSTAY COMPANY

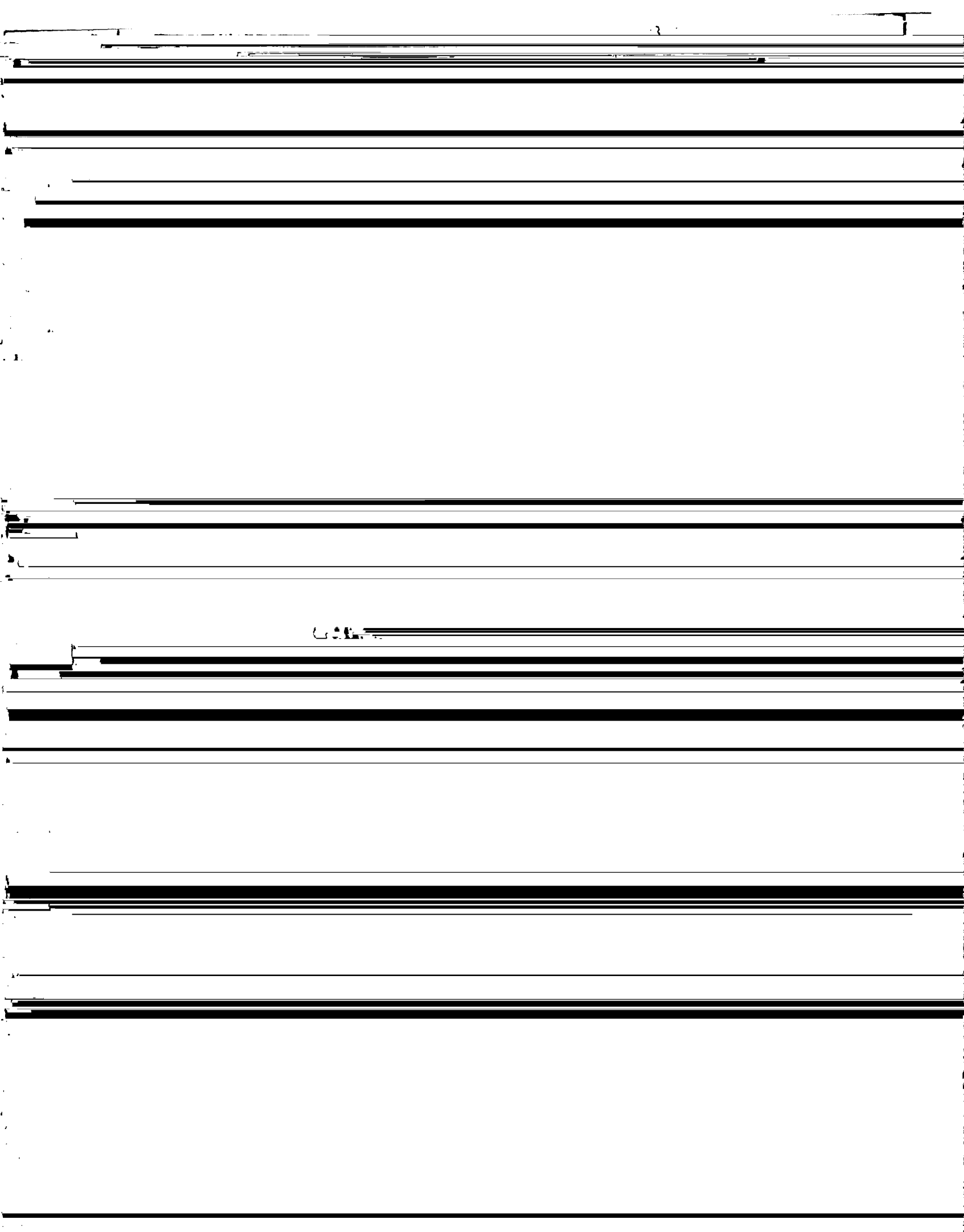
EE-1

February 27th, 1989

R. L. HOOVER CONSULTING TELECOMMUNICATIONS ENGINEER

ENGINEERING STATEMENT IN SUPPORT OF
AN APPLICATION FOR A
CONSTRUCTION PERMIT FOR A
NEW LOW POWER TELEVISION STATION
ON CHANNEL 38 IN LEBANON, PENNSYLVANIA

On behalf of



APPENDIX C

EXHIBIT 1

The permittee respectfully submits that a grant of

ascertain what type of programming would enable the station to be carried on local cable systems.

The denial of this extension request could eliminate any possibility of the proposed LPTV service being offered to the community. No application mutually exclusive with Raystay's construction permit application was filed, so no other entity has expressed an interest in providing this service.

Accordingly, Raystay requests that the Commission extend the date for construction for a period of six months from the date this application is granted or from the date the current construction permit expires, whichever is later.

CERTIFICATE OF SERVICE

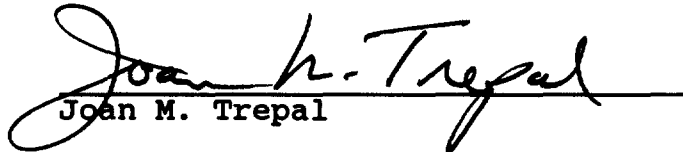
I, Joan M. Trepal, a secretary in the law firm of Mullin, Rhyne, Emmons and Topel, hereby certify that on this 13th day of May, 1993, copies of the foregoing "Contingent Motion to Enlarge Issues Against Glendale Broadcasting Company" was sent by first class mail, postage prepaid, to the following:

* The Honorable Joseph Chachkin
Administrative Law Judge
Federal Communications Commission
2000 L Street, N.W.--Room 226
Washington, D.C. 20554

* James Shook, Esq.
Mass Media Bureau
Federal Communications Commission
2025 M Street, N.W.--Room 7212
Washington, D.C. 20554

Lewis I. Cohen, Esq.
John J. Schauble, Esq.
Cohen & Berfield
1129 20th Street, N.W.
Washington, D.C. 20036

David E. Honig, Esq.
1800 N.W. 187th Street
Miami, FL 33056


Joan M. Trepal

* Hand Delivered.